UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,149	07/23/2001	Chad W. Mercer	044.0019.	4485

29906 7590 08/05/2005		EXAMINER	
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251		POPHAM, JEFFREY D	
		ART UNIT	PAPER NUMBER
		2137	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/911,149	MERCER ET AL.
	Examiner	**Art Unit**	
	Jeffrey D. Popham	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Remarks

Claims 1-8 and 36 are pending.

Response to Arguments

1.   Applicant's arguments filed 6/1/2005 have been fully considered but they are not persuasive.

As to the rejection of claims 1 and 36, applicant argues that there is no teaching in Carman for assigning the specific memory address value as a security parameter index value associated with the received security association data structure. The SPI of Carman is used to access the SAD (security association database) to retrieve the appropriate authentication gear information, which is the SA (security association) (Column 18, line 7-56). This means that the SPI must be the index (address value) associated with the SA.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 4, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by

Carman (U.S. Patent 6,845,449).

Regarding Claim 1,

Carman discloses a method of establishing a secure

communication channel for information flow between two or more

computers communicating via an interconnected computer network,

comprising:

Receiving a security association data structure from one or more

computers via the interconnected computer network (Column 17, lines 1-

9; and Column 21, lines 9-13);

Storing the received security association data structure in a

memory region having a specific memory address value associated

therewith (Column 17, lines 51-60); and

Assigning the specific memory address value as a security

parameter index value associated with the received security association

data structure (Column 17, line 51 to Column 18, line 56).

Regarding Claim 36,

Claim 36 is a computer readable medium claim that corresponds to

method claim 1 and is rejected for the same reasons.

Regarding Claim 4,

Carman discloses that the received security association data

structure is stored in a security association database that includes other

security association data structures (Column 17, lines 51-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carman in view of Badamo (U.S. Patent Application Publication 2002/0,184,487).

Regarding Claim 2,

Carman does not disclose transmitting the SPI value to the one or

more computers from which the SA data structure was received.

Badamo, however, discloses transmitting the security parameter

index value to the one or more computers from which the security

association data structure was received (Page 1, Paragraphs 21 and 22).

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to incorporate the SPI exchanging technique of

Badamo into the security negotiation system of Carman in order to allow

the recipient of the SPI value access to the SA database for retrieval of all

information related to that SA.

Regarding Claim 6,

> Claim 6 is a method claim that corresponds to method claim 2 and
> is rejected for the same reasons.

Regarding Claim 8,

> Carman discloses that the received security association data
> structure is stored in a security association database that includes other
> security association data structures (Column 17, lines 51-60).

4.   Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Carman in view of Badamo, further in view of RFC791.

Regarding Claim 3,

> Carman does not disclose that the specific memory address value
> and the security parameter index value, are both 32 bit values.

> Badamo, however, discloses that the security parameter index
> value is a 32 bit value (Page 1, Paragraph 21). It would have been
> obvious to one of ordinary skill in the art at the time of applicant's invention
> to incorporate the SPI exchanging technique of Badamo into the security
> negotiation system of Carman in order to allow the recipient of the SPI
> value access to the SA database for retrieval of all information related to
> that SA.

> Badamo does not disclose that the specific memory address is a 32
> bit value.

RFC791, however, discloses that a specific memory address value is a 32 bit value (Page 7, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the addressing system of RFC791 into the security negotiation system of Carman as modified by Badamo in order to accommodate for the use of the Internet Protocol (RFC791, Page 7).

Regarding Claim 7,

Carman does not disclose that the specific memory address value and the security parameter index value, are both 32 bit values.

Badamo, however, discloses that the security parameter index value is a 32 bit value (Page 1, Paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the SPI exchanging technique of Badamo into the security negotiation system of Carman in order to allow the recipient of the SPI value access to the SA database for retrieval of all information related to that SA.

Badamo does not disclose that the specific memory address is a 32 bit value.

RFC791, however, discloses that a specific memory address value is a 32 bit value (Page 7, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the addressing system of RFC791 into the security negotiation

system of Carman as modified by Badamo in order to accommodate for

the use of the Internet Protocol (RFC791, Page 7).

5.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman

in view of Nesset (U.S. Patent 6,055,236).

Carman does not disclose that the security association data structure

comprises a network destination address and a security protocol identifier.

Nesset, however, discloses that the received security association data

structure comprises a network destination address value and a security protocol

identifier (Column 22, lines 42-62). It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to incorporate the SA

makeup of Nesset into the security negotiation system of Carman in order to

uniquely identify an SA for each data packet.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-

272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER